

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 29-60 and 62-71 are pending. Claims 1-28 and 61 were canceled previously. Claims 29, 31, 32, 49, and 53 are amended. Support for the amendments to Claims 29, 31, 32, 49, and 53 can be found in the published application in numbered paragraph [0025], for example. Claims 67-71 are newly added. Support for newly added dependent Claims 67-71 can be found in Fig. 4 where work units (4a) and (4b) are shown with separate housings disposed around the plural cutting members. No new matter is added.

In the outstanding Office Action, Claims 29-48, 58-60, and 62-64 were rejected under 35 U.S.C. § 102(b) as anticipated by Krone et al. (U.S. Patent Pub. 2002/0170723, herein “Krone '723”). Claims 29-60 and 62-66 were rejected under 35 U.S.C. § 102(b) as anticipated by van der Lely (U.S. Patent No. 3,717,981, herein “van der Lely”). Claims 29-60 and 62-66 were rejected under 35 U.S.C. § 102(b) as anticipated by Geng (European Patent No. 1405556, herein “Geng”). Claims 29-60 and 62-66 were rejected under 35 U.S.C. § 102(b) as anticipated by Radke (German Patent No. 4405858, herein “Radke”). Claims 29-60 and 62-66 were rejected under 35 U.S.C. § 102(b) as anticipated by Altepost et al. (European Patent No. 1040751, herein “Altepost”). Claims 29-60 and 62-66 were rejected under 35 U.S.C. § 102(b) as anticipated by Krone (European Patent No. 0808556, herein “Krone '556”). Claims 49-57 and 65-66 were rejected under 35 U.S.C. § 103(a) as obvious over Krone '723 in view of Franet et al. (U.S. Patent Pub. 2003/0024228, herein “Franet”).

Regarding the rejection of Claims 29-48, 58-60 and 62-64 as anticipated by Krone '723, that rejection is respectfully traversed by the present response.

As discussed in the previous response the present application is a national stage of PCT/FR03/00801, filed on March 13, 2003.¹ As further discussed in the previous response, neither of Krone '723 and Franet qualifies as prior art against the present application.² The PCT filing date, March 13, 2003, is the effective U.S. filing date of the present application.³

Krone '723 was filed in the United States Patent and Trademark Office on May 17, 2002, as discussed in the previous response. As further discussed in the previous response, Krone '723 was published on November 21, 2002.

Franet was filed in the United States Patent and Trademark Office on July 31, 2002 and was published on February 6, 2003.

The outstanding Office Action asserts that the present application was filed in the United States on September 17, 2004.⁴ However, as noted in the previous response, the present application is a national stage application of PCT/FR03/00801, which was filed on March 13, 2003. Neither the November 21, 2002, publication date of Krone '723 nor the February 6, 2003, publication date of Franet is more than one year before the March 13, 2003 effective U.S. filing date (PCT filing date) of the present application. Accordingly, Applicants respectfully submit that neither Krone '723 nor Franet qualifies as a reference against the present application under 35 U.S.C. § 102(b).

An English translation of the foreign priority document, FR02/03893, filed on March 21, 2002, was submitted with the previous response along with a statement signed by the translator indicating that the translation was accurate. Accordingly, the French priority date of the present application, March 21, 2002, was perfected. Neither the May 17, 2002, U.S. filing date of Krone '723 nor the July 31, 2002, U.S. filing date of Franet is before the

¹ Amendment under 37 C.F.R. § 1.111 filed November 5, 2007, page 15.

² Id.

³ 35 U.S.C. 363 International application designating the United States: Effect.

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.

⁴ Response to Arguments Section, outstanding Office Action.

perfected foreign priority date of the present application. Accordingly, neither Krone '723 nor Franet qualifies as a reference against the present application under 35 U.S.C. § 102(e).

Neither the November 21, 2002, publication date of Krone '723 nor the February 6, 2003, publication date of Franet is before the perfected foreign priority date, March 21, 2002, of the present application. Accordingly, Applicants respectfully submit that neither of Krone '723 nor Franet qualifies as a reference against the present application under 35 U.S.C. § 102(a).

As discussed above, Applicants respectfully submit that neither of Krone '723 nor Franet qualifies as a reference against the present application. As only Krone '723 and Franet were cited in the Office Action dated August 3, 2007, Applicants respectfully submit that the outstanding Office Action should not have been made final inasmuch as both of these references were removed as prior art against the present application in the response filed on November 5, 2007.

Accordingly, as Krone '723 is removed as a reference against the present application, Applicants respectfully submit that the rejection of Claims 29-48, 58-60, and 62-64 as anticipated by Krone '723 is overcome.

Additionally, Applicants respectfully submit that the rejection of Claims 49-57 and 65-66 as obvious over Krone '723 in view of Franet is also overcome inasmuch as neither of these references qualifies as prior art against the present application.

As none of the references cited in the previous Office Action qualify as prior art against the present application, Applicants respectfully submit that the outstanding Office Action should not have been made Final, and Applicants further respectfully submit that the present amendment should be entered.

In the Response to Arguments section, the outstanding Office Action notes that the foreign filing date of Krone '723 is May 17, 2001. The outstanding Office Action also notes

that the foreign filing date of Franet is August 4, 2001. Applicants respectfully submit that the foreign filing dates of Krone '723 and Franet are not pertinent as to whether either of these references qualifies as prior art against the present application.

Regarding the rejection of Claims 29-60 and 62-66 as anticipated by van der Lely, that rejection is respectfully traversed by the present response.

Amended independent Claim 29 recites, in part:

at least two front work units, each front work unit including a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respective upwardly directed axis, the front work units being arranged, during work and viewed in a direction of forward travel of the carrying vehicle, at a front of the carrying vehicle such that the two front work units are located in front of an axis of rotation of a front wheel of the carrying vehicle; and
at least two lateral work units, each lateral work unit including a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respective upwardly directed axis, the lateral work units being arranged, during work, on either side of the carrying vehicle and outside of a work area of the front work units.

Accordingly, each front work unit includes a cutting device including **a plurality of cutting members**, which cutting members are each driven in rotation about a respective upwardly directed axis. Additionally, each lateral work unit includes a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respective upwardly directed axis.

One non-limiting example of the above-noted arrangement is shown in Fig. 1 where the path described by the cutting members during rotation is represented by circles in the form of dashed lines (16).

The outstanding Office Action relies on the mowing elements (69) described in van der Lely for the feature of front work units.⁵ However, Applicants respectfully submit that the mowing elements (69) do not each include a plurality of cutting members each driven in

⁵ Outstanding Office Action, page 5.

rotation about a respective upwardly directed axis. Rather, the mowing members (69) each include only a single shaft (68). Accordingly, Applicants respectfully submit that the mowing members (69) do not correlate to the front work units or the lateral work units recited in amended independent Claim 29, and amended independent Claim 29 and each claim depending therefrom patentably distinguishes over van der Lely for at least the reasons discussed above.

Each of amended independent Claims 31, 32, 49, and 53 recites substantially similar features to those discussed above regarding amended independent Claim 29, and Applicants respectfully submit that each of amended independent Claims 31, 32, 49, and 53 and the claims depending therefrom patentably distinguish over van der Lely for at least the reasons discussed above regarding amended independent Claim 29.

Regarding the rejection of Claims 29-60 and 62-66 as anticipated by Geng, that rejection is respectfully traversed by the present response.

Applicants respectfully submit that Geng does not qualify as prior art against the present application.

Geng has a publication date of April 7, 2004. Applicants respectfully submit that as the April 7, 2004, publication date of Geng is after the effective U.S. filing date of the present application, March 13, 2003, Geng does not qualify as a reference against the present application under either 35 U.S.C. § 102(a) or 35 U.S.C. § 102(b). As Geng has no U.S. filing date (as cited in the outstanding Office Action), Geng does not have a 35 U.S.C. § 102(e) date. Accordingly, Applicants respectfully submit that Geng does not qualify as a reference against the present application under any section of 35 U.S.C. § 102.

Regarding the rejection of Claims 29-60 and 62-66 as anticipated by Radke, that rejection is respectfully traversed by the present response.

As discussed above, each of the front work units includes a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respective upwardly directed axis. Additionally, each lateral work unit includes a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respectively upwardly directed axis.

The outstanding Office Action relies on reference numeral (2) for the feature of at least two front work units.⁶ However, Applicants respectfully submit that reference (2) merely identifies a single reaper. Radke does not suggest two front work units, **each front work unit including a cutting device including a plurality of cutting members, which cutting members are each driven in rotation about a respective upwardly directed axis.** Rather, in ref (2), Radke merely describes a conventional reaper without plural cutting members each driven rotationally about a respective upwardly directed axis. Accordingly, Applicants respectfully submit that amended independent Claim 29, and amended independent Claims 31, 32, 49, and 43, which recite substantially similar features to amended independent Claim 29, patentably distinguish over Radke for at least the reasons discussed above. Claims 30, 33-48, 50-52, 54-60, and 62-66 each depend, directly or indirectly, from one of amended independent Claims 29, 31, 32, 49, and 53 and patentably distinguish over Radke for at least the same reasons as discussed above regarding the independent claims.

Regarding the rejection of Claims 29-60 and 62-66 as anticipated by Altepost, that rejection is respectfully traversed by the present response.

The outstanding Office Action cites the drum cutters described in Altepost for the feature of at least two front work units.⁷ However, as discussed above, the work units each include a plurality of cutting members. Each of the cutting members is driven about a respective upwardly directed axis of rotation. Applicants respectfully submit that, as shown

⁶ Outstanding Office Action, page 6.

⁷ Outstanding Office Action, page 6.

in Fig. 3, none of the drum cutters described in Altepost correlates to a work unit as recited in amended independent Claim 29 inasmuch as each of the drum cutters in Altepost does not include plural cutting members, each driven in rotation about a respective upwardly directed axis. Accordingly, Applicants respectfully submit that amended independent Claims 29, 31, 32, 49, and 53 and each of the claims depending therefrom patentably distinguish over Altepost for at least the reasons discussed above.

Regarding the rejection of Claims 29-60 and 62-66 as anticipated by Krone '556, that rejection is respectfully traversed by the present response. In reference to Krone '556, the outstanding Office Action relies on each of the drum cutters shown in Fig. 1 for the feature of a work unit. However, Applicants respectfully submit that each drum cutter described in Krone '556 does not include a plurality cutting members each driven in rotation about a respective upwardly directed axis as recited in amended independent Claim 29. Accordingly, Applicants respectfully submit that each of amended independent Claims 29, 31, 32, 49, and 53 and the claims depending therefrom patentably distinguishes over Krone '556 for at least the reasons discussed above.

Regarding the rejection of Claims 49-57 and 65-66 as obvious over Krone '723 and Franet, Applicants respectfully submit that, as discussed above and in the previous response, neither of these references qualifies as prior art against the present application, and the rejection of Claims 49-57 and 65-66 as obvious over Krone '723 and Franet is negated.

Additionally, independent Claim 49 further recites, in part:

wherein the conveying device comprises a conveyor belt arranged transversely behind the corresponding cutting device.

Independent Claim 53 recites, in part:

wherein the conveying device comprises an upper conveyor belt and a lower conveyor belt, the conveyor belts being arranged, at least in one position, one above the other and transversely behind the corresponding cutting device.

None of van der Lely, Radke, Altepost, and Krone '556 suggests a belt as recited in either of independent Claims 49 and 53, and the outstanding Office Action has not pointed to any feature in any of these references in support of the rejection of Claim 49 as is required under 37 C.F.R. § 1.104.

Dependent Claim 47 recites:

An agricultural machine as claimed in claim 29, wherein each work unit comprises a respective cutting device configured to cut a standing product, and wherein at least one of the work units comprises a respective conveying device configured to move the product cut by the corresponding cutting device before the cut product touches the ground.

Applicants respectfully submit that none of van der Lely, Radke, Altepost, and Krone '556 suggests a conveying device configured to move product cut by the corresponding cutting device before the cut product touches the ground.

Van der Lely describes an auger (87) that moves material laterally while the material is on the ground. The auger (87) does not move the cut material before it reaches the ground.

Radke appears to provide a rake that moves material backward after it has touched the ground. In any case, Radke fails to suggest a conveying device that moves the product cut by its cutting devices before the product touches the ground.

Altepost does not fairly suggest a conveying device configured to move product cut by the corresponding cutting device before the cut product touches the ground inasmuch as Fig. 2 clearly shows that the cutter described by Altepost directs cut material directly onto the ground.

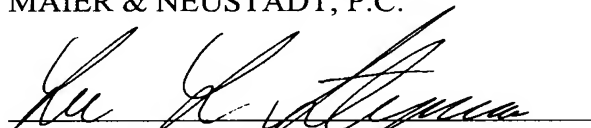
Newly added dependent Claims 67-71 each recite separate housings for each of the first and second front cutting units. Applicants respectfully submit that none of van der Lely, Radke, Altepost, and Krone '556 suggests the above-noted feature. Accordingly, newly added dependent Claim 67-71 further patentably distinguish over the cited references.

Applicants respectfully note that several foreign language references have been cited in the outstanding Office Action without providing Applicants with an English translation of these references. Applicants further respectfully note that MPEP § 706.02 II makes clear that the U.S. PTO must provide a full English translation of any foreign language reference cited in a Final Office Action, and Applicants request that an English translation be provided in any future official communication citing a foreign language reference.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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